

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

HIGHLAND CAPITAL  
MANAGEMENT, LP.,

*Plaintiff,*

v.

CITIGROUP GLOBAL MARKETS,  
INC., BABSON CAPITAL  
MANAGEMENT LLC, and THE BANK  
OF NEW YORK MELLON TRUST,  
N.A.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

NO. 3:12-CV-01100

**DECLARATION OF LEWIS T. LECLAIR**

I, Lewis T. LeClair, hereby declare under penalty of perjury that the facts set forth herein are true and correct to the best of my personal knowledge, and, if called as a witness, I could and would testify competently as set out below:

1. I am over 18 years of age and have never been convicted of a crime involving moral turpitude and am otherwise competent to make this declaration.

2. I am a principal of McKool Smith P.C. I am the lead counsel for Highland Capital Management, L.P. in this matter.

3. Attached hereto as Exhibit A are true and correct copies of the Citation and Affidavit of Service showing service of Plaintiff's Amended Original Petition on Defendant Citigroup Global Markets, Inc.

4. Attached hereto as Exhibit B are true and correct copies of the Citation and Affidavit of Service showing service of Plaintiff's Amended Original Petition on Defendant Babson Capital Management, LLC.

5. Attached hereto as Exhibit C are true and correct copies of the Citation and Affidavit of Service showing service of Plaintiff's Amended Original Petition on Defendant The Bank of New York Mellon Trust, National Association.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

This Declaration is executed this 12<sup>th</sup> day of May, 2012.

A handwritten signature in black ink, appearing to read 'L. T. LeClair', written over a horizontal line.

LEWIS T. LECLAIR